

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

IN RE:) BANKRUPTCY CASE
)
PAUL R ENGEL,) NO.: 18-13996-JSB
)
Debtor.) CHAPTER 13
)
) JUDGE: JANET S. BAER
)

NOTICE OF MOTION

TO: SEE ATTACHED ADDRESSES

PLEASE TAKE NOTICE THAT ON September 20, 2019 at 9:30 am, or as soon thereafter as counsel may be heard, I shall appear before the Honorable Janet S. Baer, U.S. Bankruptcy Judge, 219 South Dearborn, Room 615, Chicago, Illinois 60604, and shall then and there present the attached Motion and at which time you may appear if you so desire.

CERTIFICATION

I, the undersigned Attorney, Certify that I served a copy of this Notice to the Addresses attached by electronic notice through ECF or by depositing the same at the U.S. Mail at 1 North Dearborn, Chicago, Illinois 60602 at 5:00 P.M. on September 13, 2019, with proper postage prepaid.

McCalla Raymer Leibert Pierce, LLC

/s/Toni Townsend

Toni Townsend

ARDC# 6289370

1 N. Dearborn Suite 1200

Chicago, IL 60602

(312) 346-9088

This is an attempt to collect a debt and any information obtained will be used for that purpose.

NOTICE OF MOTION ADDRESSES

To Trustee:
Glenn B Stearns
801 Warrenville Road Suite 650
Lisle, IL 60532

by Electronic Notice through ECF

To Debtor:
Paul R Engel
13 Penny Royal Place
Woodridge, IL 60517
-and-
PO Box 6034
Woodridge, IL 60517

Served via U.S. Mail

To Co-Debtor:
Katherine I. Mann
13 Penny Royal Place
Woodridge, IL 60517

Served via U.S. Mail

To Attorney:
Gerald Bauer, Jr
Law Offices of Gerald Bauer Jr.
400 N. Schmidt Rd., Ste. 207
Bolingbrook, IL 60440

by Electronic Notice through ECF

McCalla Raymer Leibert Pierce, LLC
Attorney For: Creditor
1 N. Dearborn Suite 1200
Chicago, IL 60602
(312) 346-9088

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**MOTION TO MODIFY THE AUTOMATIC STAY AND CO-DEBTOR
STAY**

NOW COMES Citibank, N.A., as trustee for CMLTI Asset Trust by and through its attorneys, McCalla Raymer Leibert Pierce, LLC, and requests that the Automatic Stay and Co-Debtor Stay heretofore entered on the property located at 13 Penny Royal Place, Woodridge, Illinois 60517 be Modified stating as follows:

1. On May 14, 2018, the above captioned Chapter 13 was filed.
2. On August 17, 2018, the above captioned Chapter 13 was confirmed.
3. Citibank, N.A., as trustee for CMLTI Asset Trust services the first mortgage lien on the property located at 13 Penny Royal Place, Woodridge, Illinois 60517.
4. The Plan calls for the Debtor to be the disbursing agent for the post-petition mortgage payments directly to Citibank, N.A., as trustee for CMLTI Asset Trust. Current post-petition payments are \$814.64.
5. As of September 12, 2019, the post-petition mortgage payments are due and owing for April 1, 2019. The default to Citibank, N.A., as trustee for CMLTI Asset Trust is approximately \$4,802.69 through September 2019, including a suspense of \$220.64. Another payment of \$814.64 will come due on October 1, 2019.

6. Attorney's fees and costs for this motion are due in the amount of \$1,031.00.
7. The plan is in material default.
8. Citibank, N.A., as trustee for CMLTI Asset Trust also seeks to modify the stay as to co-debtor Katherine I. Mann pursuant to 11 U.S.C. §1301(a).
9. Citibank, N.A., as trustee for CMLTI Asset Trust continues to be injured each day it remains bound by the Automatic Stay.
10. Citibank, N.A., as trustee for CMLTI Asset Trust is not adequately protected.
11. The property located at 13 Penny Royal Place, Woodridge, Illinois 60517 is not necessary for the Debtor's reorganization.
12. The Debtor has no equity in the property for the benefit of unsecured creditors.
13. No cause exists to delay the enforcement and implementation of relief and Bankruptcy Rule 4001(A)(3) should be waived.

WHEREFORE, YOUR MOVANT respectfully prays that the Automatic Stay and Co-Debtor Stay on the property located at 13 Penny Royal Place, Woodridge, Illinois 60517, be modified and that Bankruptcy Rule 4001(a)(3) be waived as not applicable, and leave be granted to Citibank, N.A., as trustee for CMLTI Asset Trust to proceed with non-bankruptcy remedies including foreclosure, and for such other and further relief as this Honorable Court deems just.

McCalla Raymer Leibert Pierce, LLC

By: /s/Toni Townsend

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